

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:97-00155-01

TROY LAMONT CHEESE

MEMORANDUM OPINION AND ORDER

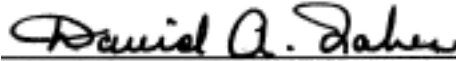
Pending before the court is defendant's motion to waive his fine. (ECF No. 463). In support of his motion, defendant states this his financial situation is dire and that payment of the fine is impossible. For the reasons discussed below, that motion is **DENIED**.

"The authority of a district court to modify a previously-imposed sentence is limited by statute." United States v. Stiff, 407 F. App'x 896, 898 (6th Cir. 2011). 18 U.S.C. § 3573 permits a court, upon motion of the government, to remit all or part of an unpaid fine. The statute does not, however, permit a court to remit a fine upon motion of the defendant. See United States v. Benally, 2009 WL 1286014, *1 (D. Ariz. 2009); Manjarres v. United States, 2008 WL 842415 (D.R.I. 2008); United States v. Jupiter, 2001 WL 34790221, *1 (W.D. Va. 2001). There is no other applicable source of authority to waive or reduce the fine itself. See United States v. Brumfield, 125 F. Supp.3d 648, 650-51 (W.D. Mich. 2015). As such, the motion to waive must be denied.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of defendant, the government, and the Probation Office of this court.

IT IS SO ORDERED this 6th day of June, 2022.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge